

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

FIRST APPEAL NO.1765 OF 2007

Office Notes, Office Memoranda
of Coram, appearances, Court's
orders or directions and
Registrar's orders.

Court's or Judge's
Orders

Mrs.Usha Kejriwal, AGP for the
appellant.

CORAM : ANOOP V. MOHTA,J.

DATED : 1st August, 2007

P.C.

The appellant has challenged the order dated 30.4.1986 whereby the learned Civil Judge, S.D. Ratnagiri in the application filed by the original claimant-respondent enhanced the compensation in respect of the acquired land at the rate of Rs.1000/- per guntha to the extent of 3/4th share as he is tenant in the said land with necessary solatium along with interest at the rate of 6% p.a. from the date of the award till realisation. The reasoning given in paragraphs 7,8 and 9, based upon the fact in

another proceeding in respect of the land near about the acquired land, the Land Acquisition Officer has awarded the compensation at the rate of Rs.2500/- per acre instead of Rs.1500/- per acre. In this background, therefore, the enhancement at the rate of Rs.1000/- per guntha at par other similarly situated land cannot be said to be perverse or bad in law.

Apart from the above, the fact that the present first appeal has been registered though it was filed some time in the year 1986, this unexplained facet of delay just cannot be overlooked as an additional ground for rejecting the first appeal filed by the State Government. The appeal is therefore, dismissed.

[ANOOP V. MOHTA,J.]